



PLANNING COMMISSION STAFF REPORT APRIL 27, 2006

Project:	LI MIXED USE CONDITIONAL USE PERMIT - (PLN2006-00087)
Proposal:	To consider a Conditional Use Permit application for the demolition of a 1,520 square foot commercial building and the construction of a 7,583 square foot mixed use building with 2,415 square feet of retail space and 4,342 square feet for three apartment units on 0.28 acres.
Recommendation:	Approve, based on findings and subject to conditions
Location:	38523 Fremont Boulevard in the Centerville Planning Area. APN 501-0900-003-04 (See aerial photo next page)
Area:	1,520 square foot existing building on a 0.28-acre lot
People:	Minxi Liu, Architect Yi Feng Li, Property Owner Momo Ishijima, Staff Planner (510) 494-4683; mishijima@ci.fremont.ca.us
Environmental Review:	This project is exempt from the California Environmental Quality Act (CEQA) per section 15332, In-Fill Development.
General Plan:	Thoroughfare Commercial
Zoning:	Thoroughfare Commercial District, Centerville Specific Plan Overlay – C-T(CSPC)

EXECUTIVE SUMMARY:

The applicant is requesting approval of a Conditional Use Permit for the demolition of an existing 1,520 square foot commercial building and the construction of a 7,583 square foot mixed use building with 2,415 square feet of retail space and 4,342 square feet for three apartments. The proposal includes an approximately 1,209 square foot Chinese take out restaurant use in the first floor commercial space fronting Fremont Boulevard, and a second commercial space of approximately 1,206 square feet. Three residential units are proposed on the second and third floors, ranging in size from 1,390 square feet to 1,457 square feet, consisting of 3 bedrooms and 2.5 bathrooms each.

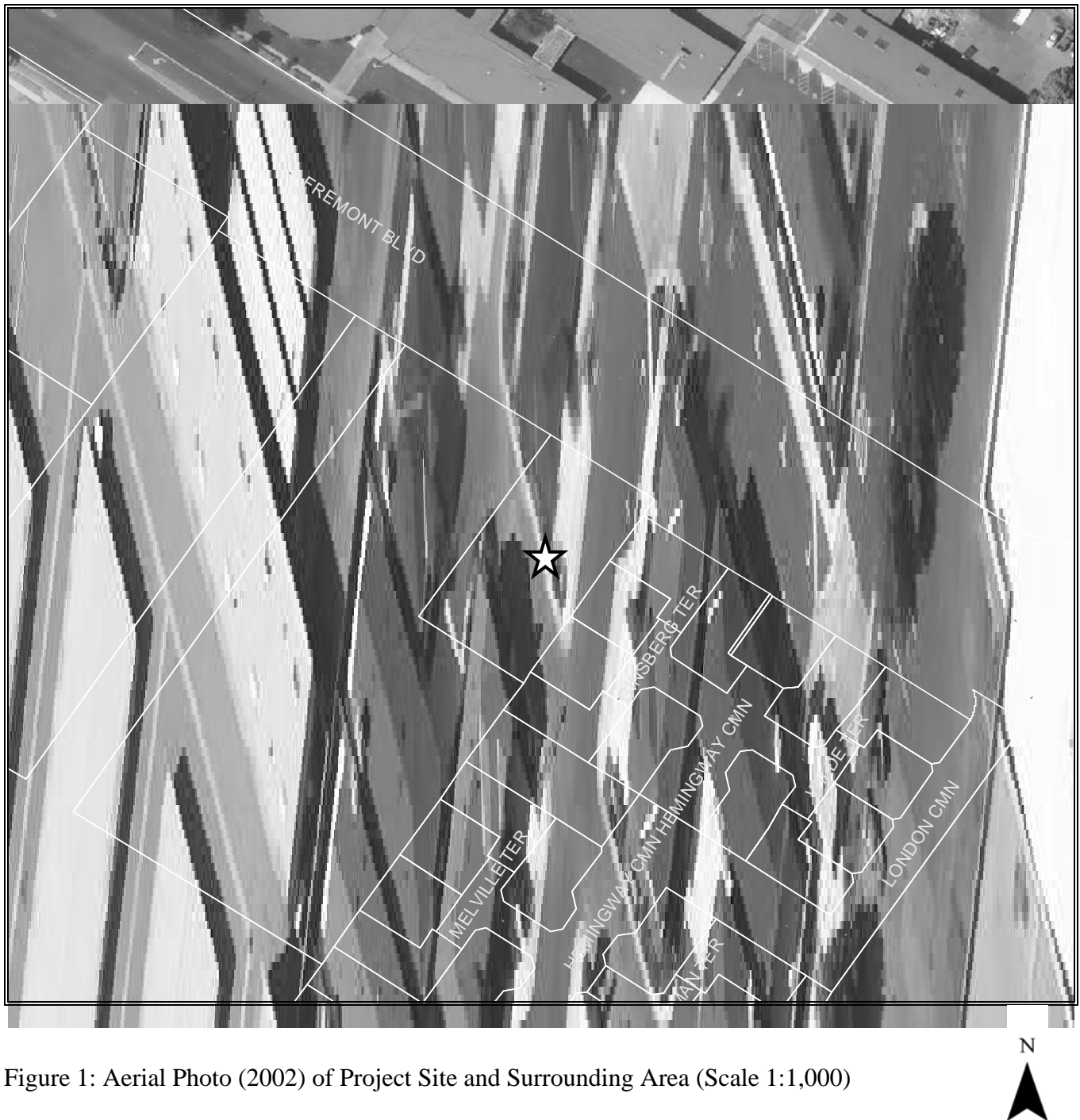


Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area (Scale 1:1,000)

SURROUNDING LAND USES:

- North: Low Density Residential (Washington High School)
- South: Medium Density Residential (Single Family Residences)
- East: Thoroughfare Commercial (Fremont Christian Preschool)
- West: Medium Density Residential (Single Family Residences)

BACKGROUND AND PREVIOUS ACTIONS:

The existing 1,520 square foot building is currently unoccupied. The structure was built in 1979 and has been used for the sales of ranch supplies, pet feed, and most recently as a used car dealership. With the exception of the commercial building, the entire parcel is paved over and there is no landscaping onsite.

PROJECT DESCRIPTION:

The proposed project is a request for a conditional use permit for the demolition of the existing 1,520 square foot commercial building and the construction of a 7,583 square foot mixed use building with 2,415 square feet of retail space and 4,342 square feet for three apartment units.

The proposal includes an approximately 1,209 square foot Chinese take out restaurant use in the first floor commercial space fronting Fremont Boulevard, and a second commercial space of approximately 1,206 square feet, adjacent to the restaurant use. The hours of operation for the restaurant use are proposed to be 9:30 A.M. to 10:30 P.M., Monday through Saturday and 10:00 A.M. to 10:30 P.M. on Sunday. There will be 12 seats and the total number of employees is proposed to be four. The commercial retail space is proposed to be for loan/mortgage office use. The hours of operation for this use are proposed to be 9:00 A.M. to 6:00 P.M., Monday through Saturday. The proposed number of employees is no more than four.

Three residential units are proposed on the second and third floors, ranging in size from 1,390 square feet to 1,457 square feet, consisting of 3 bedrooms and 2.5 bathrooms each and a roof top private open space ranging in size from approximately 250 square feet to 315 square feet.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Thoroughfare Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site because mixed use developments are an allowed use in a Thoroughfare Commercial land use designation with a conditional use permit. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

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|-----------------------|---|
| FUNDAMENTAL GOAL 6: | <i>A unified City with thriving districts and emerging communities, each with its own identity.</i> |
| LAND USE POLICY 1.20: | <i>Mixed Use (residential / commercial) is allowed in Commercial Districts as specified by the zoning regulations for the respective districts in order to increase the vitality and activity within the commercial district.</i> |
| LAND USE POLICY 2.27: | <i>Mixed Use: A mix of residential and thoroughfare commercial uses may be allowed in a CT designated area; however, a wholly</i> |

residential development is not allowed. Mixed use developments shall be permitted where the vitality of the commercial district is maintained.

Analysis: The project is consistent with the goal and policies of the General Plan because the Zoning Ordinance allows mixed-use developments in the Thoroughfare Commercial (C-T) district with appropriate review and approval of a Conditional Use Permit. The proposed project is a mixed-use project and not a wholly residential development, including commercial spaces for restaurant and retail uses. The addition of these services will stimulate revitalization of the commercial district along the southern edge of the Centerville Planning Area and in-fill residential development in an area well served by transit, existing infrastructure and public amenities.

Centerville Specific Plan Conformance:

The project site is located in Subarea 11 of the Centerville Specific Plan. The land use policy and regulations of the Centerville Specific Plan for Subarea 11 include:

LAND USE POLICY LU-9

Existing commercial properties are to retain their present commercial zoning. Existing commercial property may build new, expand, or remodel building(s) to maximum allowable under existing commercial zoning. Existing commercial zone may convert to residential zone.

SUBAREA SPECIFIC REGULATIONS

~ The remaining commercial uses in the center of the block would remain Thoroughfare Commercial. No major changes in the character of development in this subarea is sought, therefore, commercial and residential development shall be subject to the appropriate provisions of the City of Fremont Planning and Zoning Code ~

Analysis: The proposed mixed-use development will support the policy and regulation by allowing the existing commercial zoning to be retained and also introduce a residential component complementary to the existing educational and residential uses surrounding the property.

COMMUNITY DESIGN GUIDELINES

Residential Development for Subarea 11 - Buildings should be oriented to the street ~

Analysis: The proposed mixed-use development is oriented toward Fremont Boulevard with the access to the restaurant use off Fremont Boulevard. The parking area and trash enclosure are located to the side and the back of the property, respectively.

Zoning Regulations:

The project site is zoned Thoroughfare Commercial, Centerville Specific Plan Overlay District, C-T(CSPC.) As set forth in Section 8-21303 of the Fremont Municipal Code (FMC), a mixed-use development is permitted in the C-T district subject to a Conditional Use Permit.

Consistency with Mixed Use Development Standards:

The following sections analyze the proposed project for compliance with the City's Mixed-Use Development Ordinance, FMC Section 8-22148.7.

Uses: The intent of the ordinance is to allow a mix of complimentary land uses that include retail, services and housing. The proposed project includes a Chinese take out restaurant and a second commercial space on the first floor and residential use on the second and third floors. "Eating places" is a permitted use in the C-T zoning district per FMC Section 8-21301. However, if the use is open after midnight or intends to serve alcoholic beverages, a Zoning Administrator Permit or Conditional Use Permit will be required. Retail uses will generally be those permitted in the C-T zoning district. The applicant proposes a loan/mortgage office use, which is a permitted use per FMC Section 8-21301. Residential uses are permitted uses under the City's Mixed Use Development Ordinance, FMC Section 8-22148.7(a)(1).

Development intensity: The ordinance states that the maximum floor area ratio (FAR) for a mixed-use project in the C-T Zoning District is 0.60. The project as proposed has an approximate FAR of 0.55. The area dedicated to parking within the structure is not included in this calculation. The requirement for the minimum amount of floor area for commercial space is based on the length of commercial street frontage of the parcel multiplied by thirty. The street frontage of Fremont Boulevard is 80 feet. With 2,415 square feet of commercial space, the proposed project exceeds the minimum requirement of 2,400 square feet of commercial space. Additionally the minimum required depth of the commercial space is fifty feet. Each of the proposed commercial spaces have a depth of fifty feet and conforms to the Mixed-Use Development requirements.

Building Criteria- Development Standards: The development standards require a maximum building height in conformance with the commercial district in which the project is located. The maximum building height in the C-T zoning district is 35 feet. The height of the proposed three story structure is approximately 34 feet at the top of the roof and conforms to the C-T development requirements.

The interior side yard setback requirement for the C-T district is 'none,' however, when adjacent to properties developed residentially, the setback is fifteen feet for buildings. The property to the west is the Fremont Christian Preschool, zoned C-T. The proposed structure is proposed to be built to the property line along the western property line adjacent to the preschool. The residential component on the second and third floor will be setback 10 feet from the property line per building code requirements. The property to the east is residentially developed. The proposed setback for the eastern property line is generally six feet for the landscape and bioswale area for stormwater runoff treatment. The applicant is proposing six trees with landscape pockets 9 feet wide to provide screening and separation between the adjacent residential uses and the proposed use. Additionally, the landscape area, parking lot and the private vehicle accessway provide approximately 50 feet of setback from the eastern property line to the proposed structure.

Three residential units are proposed on the second and third floors, ranging in size from 1,390 square feet to 1,457 square feet, consisting of 3 bedrooms and 2.5 bathrooms each. Each of the residential units have access from the eastern side of the building on the first floor facing the parking lot. Open space is provided as individual rooftop gardens, approximately 250 to 315 square feet each, accessed from the second floor.

Design Analysis:

Architecture and Site Design:

The Mixed Use Development design criteria require street frontages and pedestrian access to be defined and mixed-use and commercial buildings to be built to property lines (back of sidewalk) or other publicly accessible areas. The applicant has incorporated staff recommendation to place the building along the Fremont Boulevard frontage with access to the restaurant use off Fremont Boulevard for better circulation, accessibility, visibility and marketability. Furthermore, the location of the commercial use adjacent to the major pedestrian access provides continuity with the existing commercial uses on Fremont Boulevard and promotes active pedestrian activity. The applicant has incorporated a storefront design to provide transparency to the building at pedestrian level and the design of the front façade draws visual interest to the building with the use of various tile patterns and stainless steel and wrought iron deco features promoting a strong commercial presence. Two street trees in planter pockets are proposed along the property frontage to enhance storefront aesthetics.

The proposed building design includes a variety of materials and finishes. The scale of the proposed project is similar to the surrounding commercial structures in the neighborhood and the modern design of the building is consistent with the architectural style of the neighborhood (i.e. Fremont Christian Preschool and Prince of Peace Lutheran Church.) The vertical plane and volume of the building is broken up by the use of knee to head height windows, recessed planes, projected deco, tilted metal roof, roof decks/gardens and transparent awnings. The proposed design conforms to the Mixed-Use Development requirements which include:

§Building scale and architectural massing to incorporate elements for a reasonable transition to adjacent existing developments and the proposed project [FMC Section 8-22184.7(d)(1)(b)]

§Vertical plane of the building façade shall be broken up with a high level of articulation (e.g. projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces and awning/entrance canopies) especially at ground level. [FMC Section 8-22184.7(d)(1)(d)]

The Mixed Use Development design criteria recommend built-in flexibility for the conversion of commercial spaces from one use to another. These elements include adequate ventilation and mechanical equipment for eating establishments and a minimum of fifteen feet floor to ceiling heights on the ground floor. The project proposes a ceiling height of 13 feet 2 inches on the ground floor. In this instance, the reduced height can be supported because the design accommodates ventilation and mechanical equipment for the proposed restaurant use and the project sufficiently meets the intent of the ordinance. The applicant proposes to locate the kitchen and corresponding ventilation and mechanical equipment along the western side of the structure. The stainless steel mechanical duct projecting out of the roof area of the commercial space has been set back approximately 28 feet from the front wall of the building and strategically placed so that it is not visible from the residences on the second and third floor or from the public right of way. The same solutions can be accommodated for the second commercial space should it convert to a restaurant type or more intense use in the future. The roof area for the ground floor commercial use is flat and can be accessed from the back of the building without disturbance to the residents.

On-site Parking Areas:

A total of 17 parking spaces and two motorcycle spaces are provided. The 17 parking spaces consist of three covered parking spaces, one van accessible space, six compact spaces and seven standard parking spaces. All parking must comply with the following parking standards of the Fremont Municipal Code.

§Retail stores and personal services – 1 parking space per 300 square feet of gross floor area, exclusive of storage [FMC Section 8-22003(b)(3)(a)]

§Eating establishments – 1 parking space per 3 ½ seats plus an additional 10% for employee parking – or- 1 parking space for each 100 square feet of gross floor area, exclusive of storage, whichever is greater. [FMC Section 8-22003(b)(3)(e)]

§Dwellings, multiple – 1 covered parking space per unit for residents plus 0.5 uncovered spaces per unit for residents plus 0.5 uncovered spaces per unit designated for guest parking only. [FMC Section 8-22003(b)(2)(c).]

§Credit for motorcycle parking in commercial zones – One parking space may be omitted for each two motorcycle spaces provided. [FMC Section 8-22010(b).]

The total required parking spaces for the project is 18. The proposed parking conforms to the Mixed Use Development parking standards with the proposed 17 parking spaces and two motorcycle spaces. In addition, there should be some efficiencies in the sharing of parking particularly between residential and commercial uses. The demand for parking for the residential use will be greater during the early morning and late evening hours and on weekends and the demand for parking for the commercial uses will be daytime and early evening hours and the overlap is expected to be minimal.

Evaluation Criteria – Findings: The following findings with staff comments are required by Mixed Use Development ordinance to assure the proposed development meets the intent of this. The findings shall be made prior to approving a mixed-use project and are as follows:

1) Community integration: The development integrates into the existing community and creates an appropriate internal and external human scale, providing for pedestrian comfort and amenities.

Comment: The proposed development promotes pedestrian-oriented uses and includes retail elements with entry from major pedestrian accesses. The modern design of the architecture complements existing commercial uses in the area.

2) Building and site layout: The building and site layout is adaptable and would permit future changes in land use over time. Each use is designed and positioned to achieve its maximum potential so that they perform as a whole and benefit from one another. An efficiently functioning infrastructure (i.e., parking, services, utilities, and effective mechanical, electrical, and structural systems) is incorporated in the design of the development capable of servicing each component of the development's differing demands.

Comment: The site design and architecture addresses the function and needs of each type of use. The infrastructure has been reviewed to function efficiently and provide services necessary for all components of the project. The design provides both privacy to the residents and close proximity to the public retail areas.

3) Land uses: The land uses provided by the development are compatible with one another and with the adjacent neighborhood. The commercial uses are those which would serve the residents of the development and the neighborhood. In addition, the project includes amenities and attractions that cannot be provided in single-purpose projects, such as interesting people-oriented spaces and a public realm that can capitalize on the synergy of diverse uses.

Comment: The allowed land uses have been reviewed for compatibility with the residential uses and the adjacent neighborhood. The project proposes approximately four feet of space between the sidewalk and the front of the building which may be utilized for outdoor seating purposes.

4) Pedestrian-orientation: The development is able to provide a safe and well-organized pedestrian access within the site and to relevant adjacent areas. All portions of the development are accessible by a direct, convenient, attractive, and comfortable system of pedestrian facilities.

Comment: The proposed development provides safe, well-designed and attractive pedestrian access to the retail and parking areas.

5) Open and Public Spaces: The development provides usable public and private open space, enhances the vitality of existing commercial activity, and recognizes and responds appropriately to adjacent existing or planned public spaces (e.g., parks, civic buildings, transit stops, sidewalks, plazas, and similar spaces).

Comment: As described above, the site design provides private open space as roof deck gardens for the residences. The building is designed and oriented toward Fremont Boulevard to promote pedestrian activity.

6) Parking: The development minimizes the amount of land developed as surface parking including implementing measures which reduce the overall amount of parking needed for the development, such as but not limited to, joint-use parking and access to public transit. Parking areas have been located where they can be conveniently and safely accessed and without difficulty from the street and within the development. On-site parking areas are designed in such a way that it does not dominate street frontage nor interfere with pedestrian areas. In addition, on-street parking is located in proximity to the retail component of the development.

Comment: The parking area has been oriented along the side property line so as not to dominate the street frontage with ample landscaping and setback from the street. The parking area has good access to the proposed commercial and residential spaces. The applicant has also incorporated the use of motorcycle spaces as a substitution for one standard parking space.

Circulation/Access:

The project has frontage on Fremont Boulevard, with vehicular access from Fremont Boulevard and pedestrian access from the public sidewalk. Improvements to the site parking lot, grading, landscaping, and drainage system will be included as part of the building permit (D.O.) plans.

Trip generation estimates were calculated to compare previous existing land use of the site (car lot) to the proposed land use of 3 apartment units and 2,415 sq. ft. retail. Based on ITE Trip Generation Rate (ITE # 814 Specialty Retail, ITE #220 Apartment), the project is estimated to generate 126 vehicle weekday trips and 9 PM peak hour trips. The existing car sales lot (ITE #841, New Car Sales) is estimated to generate 51 vehicle weekday trips and 4 PM peak hour trips. Overall, the proposed project would generate 75 more weekday trips and 4 more weekday PM peak hour trips. Fremont Boulevard has a weekday volume of 29,200 vehicles and a PM peak hour volume of 2,460 resulting in a weekday volume increase of .26 % and .16 % for the PM peak hour. With the low traffic volume increase on Fremont Boulevard the project will result in minimum or no significant impact to the roadway operations.

Urban Runoff Clean Water Program:

The project and applicant are required to conform to the City's Urban Runoff Clean Water Program requirements. The proposed site and drainage improvements for the project include the construction of a bioswale along the eastern boundary of the parking lot. Runoff from the parking lot and part of the roof will be directed to the bioswale. Runoff from the remainder of the roof will discharge to the landscape areas around the building, before entering the underground storm drain system. The property owner shall enter into an agreement to maintain the on-site storm water treatment measures.

Applicable Fees:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The developer is entitled to a fee credit equal to the square footage of buildings removed from the site.

Environmental Review:

This project is categorically exempt from CEQA per Section 15332, In-Fill Development.

PUBLIC NOTICE AND COMMENT:

The applicant held a community meeting with the adjacent residential property owners on April 1, 2006, and shared with them the proposed use and design concept of the project. The invitation letter and minutes from the meeting are provided as Information Item 2. One of the concerns raised by the owner of an adjacent residential property was the proximity of the trash enclosure to the eastern property line and concerns of the smell generated by the waste. The applicant is mitigating this concern by relocating the trash enclosure to the back of the building and has negotiated a "three-times a week" trash pick up plan with Allied Waste Management.

Public hearing notification is applicable. A total of 90 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on April 14, 2006. A Public Hearing Notice was published by The Argus on April 13, 2006.

ENCLOSURES:

Exhibits: Exhibit "A" Site Plan, Floor Plan, Elevations
Exhibit "B" Findings and Conditions of Approval
Exhibit "C" Materials and Color Sample Board

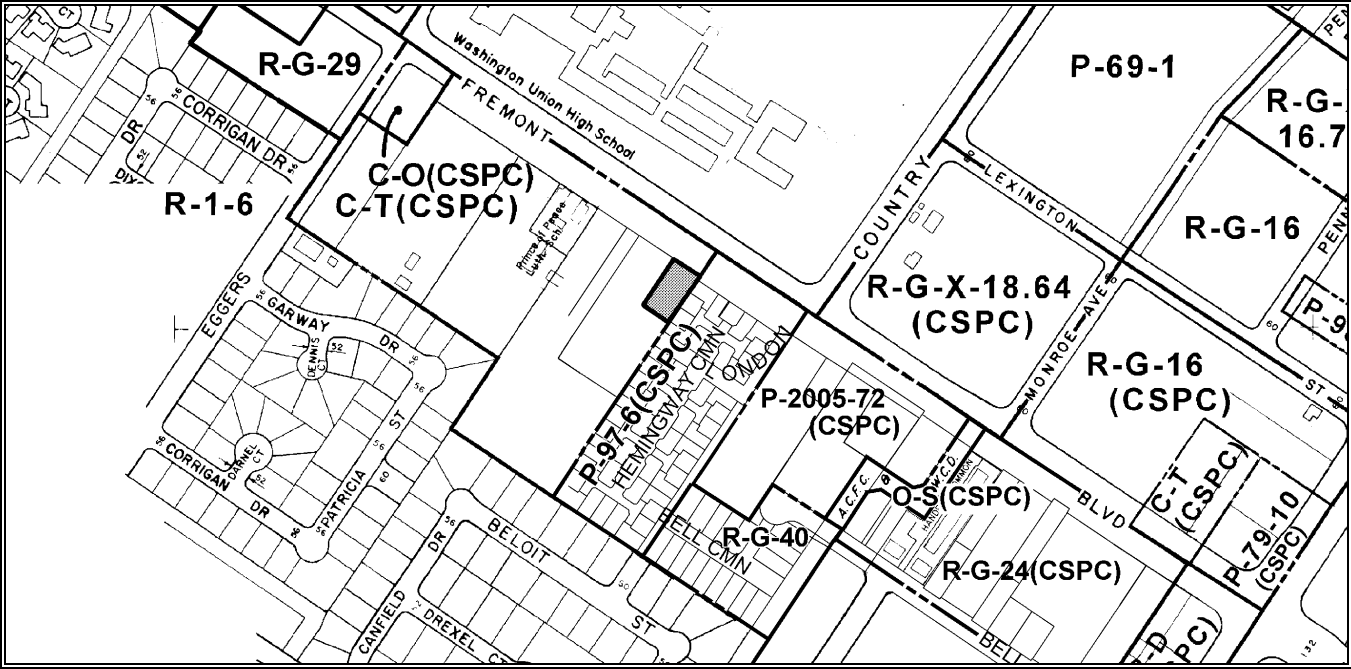
Informational Items:

1. Applicant Statement of Proposed Operations and Design Concept
2. Neighborhood Meeting Invitation Letter and Meeting Minutes – April 1, 2006

RECOMMENDATION:

1. Hold public hearing.
2. Find project exempt from California Environmental Quality Act (CEQA) per Section 15332, In-Fill Development
3. Find Conditional Use Permit, PLN2006-00087, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter and Centerville Specific Plan as enumerated within the staff report.
4. Approve Conditional Use Permit, PLN2006-00087, as shown on Exhibit "A" (Site Plan, Floor Plan, Elevations) and Exhibit "C" (Materials and Color Sample Board), subject to findings and conditions on Exhibit "B".

Existing Zoning Shaded Area represents the Project Site



Existing General Plan

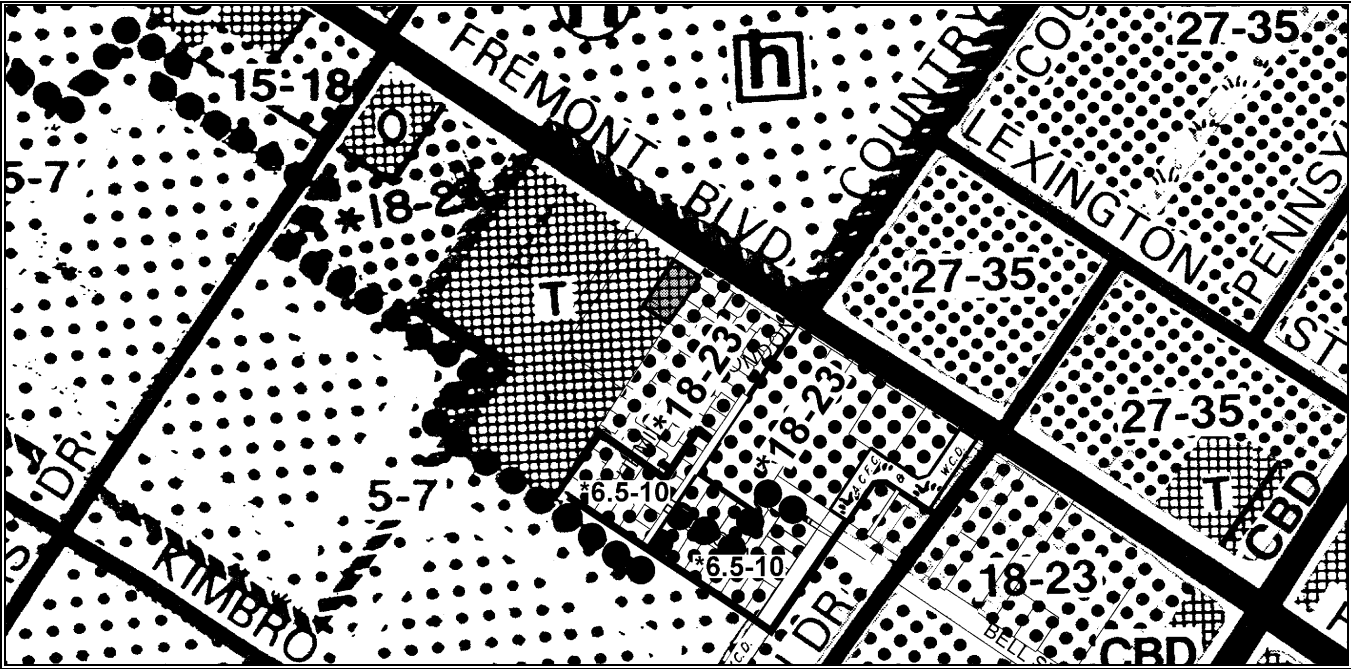


Exhibit “B”
Findings and Conditions of Approval
PLN2006-00087 – Li Mixed Use Conditional Use Permit

Findings:

- a. The site is suitable and adequate for the proposed use because there is sufficient on-site parking, utilities are available and infill potential is well utilized.
- b. The proposed use is consistent with the General Plan because mixed use developments contribute to the goal of a unified City with thriving districts and emerging communities, each with its own identity and policy that mixed use developments be permitted in the C-T district with a conditional use permit.
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the site has sufficient access from Fremont Boulevard.
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because the proposed project is a mixed commercial and residential project which complements and enhances the surrounding educational and residential uses.
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because their activities will take place entirely within the structure and adequate measures and controls for the trash enclosure location and pickup has been negotiated for the neighbor’s concern over smell and location of the trash enclosure.

General Conditions:

- A-1. The project shall conform with Exhibit “A” (Site Plan, Floor Plan, Elevations), and Exhibit “C” (Materials and Color Sample) and all conditions of approval set forth herein.
- A-2. Plans shall be submitted to the Development Organization (D.O.) for review to insure conformance with relevant codes, policies and other requirements of the Fremont Municipal Code.
- A-3. Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Planning Director or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Planning Director shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4. The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities

and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.

- A-5. All commercial uses shall conform to those permitted under the Zoning Ordinance for the C-T(CSPC) zoning district.

Requirements before Operations May Commence:

- B-1. The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking spaces shall be reserved for car parking and shall not be used for storage.
- B-2. The developer is required to construct new Type B driveway for its new access on Fremont Boulevard. Sidewalk improvements will be required where the existing driveway access locations are to be removed.
- B-3. For the project area parking lot, future development review submittal should include a striping and signing plan. All signing and striping work striping and signing requirements shall be in accordance to 2003 Manual Uniform Traffic Control Devices (MUTCD), 2003 CA MUTCD Supplement and State of California 2002 Standard Plans and Specifications with the most current revisions. Where fire lane is designated on-site by the City's Fire Department, all drive aisle curbing which outlines the fire lanes, shall be painted red with white lettering reading "No Stopping Fire Lane", text shall be a minimum of four inches tall and shall be placed every 30 feet or portion thereof, on top of designated curbing or striping. No Stopping Fire Lane signs (R26F) shall be posted at 100' intervals.
- B-4. Lighting associated with the project shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale and decorative nature.
- B-5. All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- B-6. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- B-7. All restaurant facilities shall be equipped with the most current technology filtering devices to minimize odors and fumes emanating from such uses.
- B-8. The project shall incorporate post-construction stormwater treatment controls and shall enter into an agreement with the City of Fremont to operate and maintain said treatment controls in perpetuity. The Operation and Maintenance Agreement is a legal document and is recorded on the title of the property. Responsibility for the Operation and Maintenance Agreement shall be legally transferred to all subsequent property owners.

- B-9. Prior to building occupancy, the project civil engineer shall submit a statement certifying that the installations of all post-construction stormwater treatment controls have been done properly and are in working order.
- B-10. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to the storm drain system. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- B-11. The eating establishment shall have a sink or similar floor mat, container, and equipment cleaning area connected to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; both areas must be plumbed to the sanitary sewer. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- B-12. The project shall provide a roofed and enclosed area at the rear of the site for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area, as well as to contain litter and trash so that it is not dispersed by the wind or runoff during waste removal.
- B-13. All municipal solid waste collection must be contracted with the City's franchised hauler, which is currently Allied Waste Systems (formerly BFI of Alameda County). Trash pickup shall be three times a week.
- B-14. A Project Waste Handling Plan must be completed by the applicant and returned to the Environmental Services Division prior to any demolition or construction taking place on the site. After the project is complete, the applicant must document actual disposal and diversion by completing and returning the Waste Disposal & Diversion Report to Environmental Services. This form is also attached.
- B-15. The proposed landscaping and hardscape improvements will be subject to staff review and approval during the Development Organization process.
- B-16. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP is available at the Engineering Counter.
- B-17. Landscape plan shall be submitted to the Development Organization, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a) An underground irrigation plan.
 - b) Weed control specifications.
 - c) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.

- d) Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
- B-18. Per Fremont Municipal Code (FMC) Section 8-22706, Street Trees are required. The street trees shall be 24" Box size planted to conform to City Standard Tree Planting Detail SD-34.
- B-19. Per FMC 8-22009, parking areas within fifty (50) feet of a public street will be screened by a three-foot masonry wall, a three-foot tall berm or a continuous shrub planting.
- B-20. The applicant shall meet all requirements in the 2001 California Fire Code and local Ordinance #2485.
- B-21. Provide fire flow information for site. Contact Jose Rodriguez with the Alameda County Water District at 510-668-4419 to obtain information.
- B-22. The applicant shall install a N.F.P.A. 13 fire sprinkler and NFPA 72 fire alarm system complying with local amendments. Fire control valves/flow switches required for each floor.
- B-23. Automatic fire suppression systems in all group R-1 occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater/furnace rooms, closets, laundry rooms, attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required. Any guest carports that are covered shall have fire sprinkler protection
- B-24. Separate permit is required for the underground fire service, fire sprinkler and fire alarm systems.
- B-25. Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and local Ordinance # 2485.
- B-26. The applicant shall provide for approval a site plan/ Civil Utility Plan with the location of public, on-site fire hydrants and Fire Department Connections location(s). Public fire hydrants head within 300 ft of site to be a Clow Model 860 or equivalent.
- B-27. The applicant shall provide a 20 ft wide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 901.3, C.F.C 903.2. and C.F.C 903.3
- B-28. The applicant shall have a key box (Knox brand) located outside of buildings and provide keys to the Fire Department so they may gain access. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.

- B-29. A Fire Department driveway access serving dwelling/structures 35 ft or less in height shall have a minimum 20 foot unobstructed linear width. A Fire Department driveway access serving dwelling/structures over 35 ft in height shall have a minimum 26 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended) The applicant shall indicate on all site plans the location of required red curbs, curb lettering and fire lane signs. This project requires all curbs to be red, lettering every 30 feet and signs every 100 feet.
- B-30. Fire hydrant spacing requirement is 300 feet spacing. The distance is measured as the fire engine travels on all- weather surfaces.
- B-31. The Fremont Fire Department (FFD) has the responsibility to respond to life threatening emergencies, fires and other types of emergencies at the location you are involved with. We would like to work with you in utilizing the drawings you've created to help protect the citizens of Fremont.

When submitting your application for a building permit we request that your plan set include a site plan, exit plan and floor plan for fire department use only. These plans should be in hard copy and digital format.

Attached you'll find several example drawings showing what we're trying to accomplish with your help. When assisting us, you do NOT need to have architects stamped seal on any modifications you submit to the FFD Complex Card Division. Please utilize the guidelines below. If you have any questions, don't hesitate to call me at 510-791-4292 or you can e-mail me at gfogel@ci.fremont.ca.us

The Site Plan should include:

Fire Hydrants

Fire Department Connections for wet and dry standpipes (FDC)

Fire Sprinkler Connections (FDC)

Automatic Sprinkler Riser (ASR)

Post Indicator Valves (PIV)

Fire Alarm Control Panels (FACP)

Main Electrical and Gas Shut-offs

An Exit Plan should be included for each floor.

A Floor Plan should be included for each floor.

Digital drawings should be formatted in DWG or DXF. In order to reduce the size of the file and keeping our goal in mind, please remove unnecessary keynotes, symbols and layers. You may e-mail me this information (gfogel@ci.fremont.ca.us) or send by US mail to City of Fremont Fire Department, 3300 Capital Ave Bldg "B", P.O. Box 5006, Fremont, CA 94537-5006, Attention Captain Fogel. If field changes are made please send "as built" plans in a hard copy and either a

CD or floppy disk. Please include a contact name and phone number if we need to contact you regarding your drawings.

- B-32. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
- B-33. The portion of the facility to be converted to another use shall be free of any reported hazardous materials and properly closed with the local agencies, as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.
- B-34. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
- B-35. Construction hours will be limited in accordance with FMC Section 8-2205, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by the City) conspicuously placed adjacent to the most visible right-of-way for the duration of the construction activity as follows:
 - a. Monday – Friday, 7:00 A.M. to 7:00 P.M.
 - b. Saturday & Holiday, 9:00 A.M. to 6:00 P.M.
 - c. Sunday, no construction activity allowed.

On-going Requirements:

- C-1. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. If on-site discharge is required, the applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- C-2. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
- C-3. The applicant shall be responsible for the on-going maintenance of site landscaping and keep the facility free of graffiti.
- C-4. Hours of operation for the restaurant are to be conducted from 9:30 A.M. to 10:30 P.M. Monday through Saturday, 10:00 A.M. to 10:30 P.M. on Sunday. Minor amendments (including hours of operation) to this conditional use permit may be approved by the Planning Director if it is determined that the overall intent is consistent with the conditions of approval.

- C-5. Hours of operation for the loan/mortgage business are to be conducted from 9:00 A.M. to 6:00 P.M., Monday through Saturday. Minor amendments (including hours of operation) to this conditional use permit may be approved by the Planning Director if it is determined that the overall intent is consistent with the conditions of approval.
- C-6. The applicant shall be responsible for the on-going maintenance of ventilation and mechanical equipment and keep the filters free of offensive odors.